

The Recodification of IC 13 Environmental Laws

All of the environmental statutes (laws) in the Indiana Code (IC) that begin with “IC 13” have been recodified.

What does “recodify” mean?

It means that all of IC 13 has been reorganized into a logical order so that the laws will be easier to find. In many places, the language has been revised so that it complies with the Legislative Services Agency (LSA) updated style manual. Ambiguities in the language have also been resolved. All of the provisions have been renumbered. The current IC 13 numbers cannot be reused since they will be repealed. The environmental laws still begin with IC 13, but they now begin with IC 13-11. Additionally, any place that refers to an IC 13 provision in another IC title (e.g. IC 36) has changed to the new IC 13 recodification citation.

Who initiated the recodification?

The Indiana Code Revision Commission, a legislative commission consisting of legislators, judges, etc., was directed to revise the entire Indiana Code. Each year they revise one title of the code. Last year they recodified DNR’s laws. This year was IDEM’s turn. LSA is responsible for doing the actual recodification work. OLC and program staff reviewed and commented on the Recodification Act as it went through various drafts. IDEM provided comments to LSA and testified at public meetings through the summer and fall of 1995.

What was the recodification process?

The Recodification Act was introduced as a legislative bill in the 1996 session of the Indiana General Assembly. It is now known as SEA 56, the Recodification Act, now that it has passed and become law.

When did the recodification of IC 13 become effective?

July 1, 1996.

What will happen to the current IC 13?

IC 13-1 through IC 13-10 was repealed effective July 1, 1996.

How will we be able to find where provisions under the old IC 13 are placed in the Recodification Act?

LSA has provided two conversion tables for easy citation converting and cross-referencing: 1) the old citations to the new; and 2) the new to the old citations. An outline of the new IC 13, organized by articles and chapters, is also available.

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Where do we look to find the most up-to-date version of environmental laws once the Recodification Act becomes effective?

Once the Recodification Act takes effect on July 1, 1996, you will need to look in TWO places to find the most current version of a law:

- 1st Look up the provision in SEA 56, the Recodification Act.
- 2nd Look at the 1996 legislative summaries to see if any enrolled acts were passed in the 1996 session that are related to what you are looking up. If an enrolled act that became law during the 1996 legislative session adds to, amends, or repeals a provision in the Recodification Act, then the 1996 provision will supersede the Recodification Act.

Once the Indiana Code books (the red books) are published, you will only need to look in ONE place: the 1996 supplement to the Indiana Code. You will no longer need to look at the Recodification Act, the enrolled acts, or previous editions or supplements to the Indiana Code.

How do we properly reference a provision under the Recodification Act?

You may refer just to the new recodification citation (e.g. IC 13-29-1-1).

For some time, you may want to refer to both the new recodification citation and the old citation (referred to as “prior environmental law”), such as “IC 13-29-1-1 (formerly IC 13-5-9-1)” to aid the reader.

What if an error was made in the recodification?

SEA 56 has built in a “savings clause”. It is found in IC 13-12-1. An inclusion or omission in the Recodification Act does not affect existing decisions or issuances and is not a substantive change in the law. If the literal meaning of the Recodification Act would result in a substantive change, the difference shall be construed as a typographical, spelling, or clerical error that must be corrected. There are two exceptions to the substantive change clause:

- 1) any enrolled acts from the 1996 legislative session that add to, amend, or repeal a provision of the Recodification Act; and
- 2) any substantive changes that were made at the Indiana Code Revision Commission meetings and are in the meeting minutes that expressly indicate a different purpose.

The substantive operation and effect of the prior environmental laws continue uninterrupted as if the Recodification Act had not been enacted. (Refer to IC 13-12-1 for full details).

Additional Questions?

Please contact Legislative Services Agency at 317/232-9856 if you have any questions or would like a copy of the outline or conversion tables.